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OFFICE OF PETITIONS

In re Application of :
Borden et al. :
Application No. 10/050,477 : DECISION ON PETITION
Filed: January 18, 2002 :
Attorney Docket No. 57434US002 :

This is a decision on the petition under 37 CFR 1.181, filed August 11, 2004, to withdraw the holding of abandonment for the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to petitioners.

This application was held abandoned for failure to respond timely to the nonfinal Office Action mailed on January 30, 2004, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned and a Notice of Abandonment was mailed on August 3, 2004.

In the present petition, petitioners assert that they filed a timely reply in response to the nonfinal Office action via facsimile transmission on March 23, 2004. A copy of the response in the form of an amendment with a certificate of facsimile dated March 23, 2004, accompanies the petition.

Upon a review of the record, the Office has located the amendment filed on March 23, 2004, in response to the nonfinal Office action. Accordingly, the petition is **granted**. The Notice of Abandonment was mailed in error and it is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely filed and received on March 23, 2004.

The matter is being referred to the Technology Center Art Unit 3752 for a review of the amendment submitted on March 23, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Christina Tartera Donnell

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